

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JORDAN RINDGEN,

Plaintiff,

- against -

BROOME COUNTY; BROOME COUNTY DISTRICT ATTORNEY'S OFFICE; FORMER BROOME COUNTY DISTRICT ATTORNEY MICHAEL A. KORCHAK; FORMER CHIEF ASSISTANT DISTRICT ATTORNEY MARK LOUGHRAN; ASSISTANT DISTRICT ATTORNEY ALYSSA CONGDON; ASSISTANT DISTRICT ATTORNEY AMANDA CRONIN; DISTRICT ATTORNEY INVESTIGATOR JEFF J. WAGNER; UNIDENTIFIED JANE/JOHN DOE #1-10 BROOME COUNTY EMPLOYEES; CITY OF BINGHAMTON; POLICE CHIEF JOSEPH T. ZIKUSKI; CAPTAIN CORY MINOR; DETECTIVE AMANDA MILLER; UNIDENTIFIED JANE/JOHN DOE #1-10 CITY OF BINGHAMTON EMPLOYEES; HAILEY DEMKOVICH; and SAMANTHA HERCEG, all named individuals are sued in their individual capacities,

Defendants.

NOTICE OF MOTION

Case No. 3:24-cv-01325-AJB-ML

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, and all prior pleadings and proceedings had herein, Defendants the City of Binghamton, Police Chief Joseph T. Zikuski, Captain Cory Minor, Detective Amanda Miller, and Unidentified Jane/John Doe #1-10 City of Binghamton Employees (collectively "Defendants"), by and through their undersigned attorneys, Whiteman Osterman & Hanna LLP, hereby move this Court before the Honorable Anthony J. Brindisi at the Alexander Pirnie Federal Building and United States Courthouse, 10 Broad Street, Utica, New York, for an Order, pursuant to Fed. R. Civ. Pro. 12(b)(6), dismissing

Plaintiff's Complaint in this action in its entirety and with prejudice, and for such other and further relief as the Court shall deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Fed. R. Civ. Pro. 12(a)(1)(C), and Northern District of New York Local Rule 7.1(a), unless otherwise ordered by the Court, Plaintiff must file and serve its opposition papers no more than twenty-one (21) days after service of the motion.

PLEASE TAKE FURTHER NOTICE that, pursuant to Northern District of New York Local Rule 7.1(a), Defendants' reply, if any, shall be filed and served at least seven (7) days after service of Plaintiff's opposition papers, unless otherwise agreed upon and/or directed by the Court.

Dated: December 27, 2024

WHITEMAN OSTERMAN & HANNA LLP

BY: *s/ Gabriella R. Levine*
William S. Nolan, Esq. (BR No. 512108)
Gabriella R. Levine, Esq. (BR No. 700080)
Conor Lynch, Esq. (BR No. 705755)
Attorneys for Defendants
City of Binghamton, Police Chief Joseph T. Zikuski,
Captain Cory Minor, Detective Amanda Miller and
Unidentified Jane/John Doe #1-10 City of
Binghamton Employees
One Commerce Plaza
Albany, New York 12260
Telephone: (518) 487-7600
wnolan@woh.com
glevine@woh.com
clynch@woh.com

TO: Michael D. Brown, Esq.
Ziff Law Firm, LLP
Attorneys for Plaintiff
303 William Street
P.O. Box 3308
Elmira, New York 14901-1338
mbrown@ziffllaw.com